IN RE: PETTY

PETITION FOR VARIANCE S/S Caves Road, 2,450' W of

the c/l Park Heights Avenue

(2703 Caves Road)
3rd Election District
3rd Councilmanic District

Arthur Allinson, et ux

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-281-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2703 Caves Road, located in the vicinity of Park Heights Avenue in Owings Mills. The Petition was filed by the owners of the property, Arthur and Mary Allinson. The Petitioners seek relief from Sections 400.1, 400.2 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing, detached accessory structure (barn) to be located in the front yard, 0 feet from the property line and 30 feet in height, in lieu of the required rear yard location, 15 feet from the property line, and maximum height of 15 feet, with a footprint larger than the principal structure proposed. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Allinson, co-owner of the property, and Richard E. Matz, Professional Engineer with Colbert Matz Rosenfelt, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 2.80 acres, more or less, zoned R.C.5, and is part of a three-

j. F. 2

lot subdivision, known as the Lachman Property, Lot 3 thereof, which was approved on September 23, 1996. The entire subdivision is owned by the Petitioners, who reside in a dwelling on Lot 1 of the property. At the present time, there exists a barn in the front southwest corner of Lot 3 which the Petitioners would like to retain. However, due to the unique configuration of the property, the barn will be located in the front yard of Lot 3. In addition, given the size of the barn, it is anticipated that the structure will be larger than any residence which will be built on the lot. Furthermore, the barn is situated on the southwest property line of Lot 3. Thus, the relief requested is necessary in order to allow the barn to remain in its present location and permit future development on this lot. As noted above, this 3-lot subdivision is owned by the Petitioners, Arthur and Mary Allinson, who reside on Lot 1 and would be most affected by the granting of this variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of February, 1997 that the Petition for Variance seeking relief from Sections 400.1, 400.2 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing, detached accessory structure (barn) to be located in the front yard, 0 feet from the property line and 30 feet in height, in lieu of the required rear yard location, 15 feet from the property line, and maximum height of 15 feet, with a footprint larger than the principal structure proposed, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

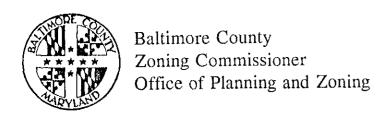
has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

February 21, 1997

Mr. & Mrs. Arthur Allinson 2707 Caves Road Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE

S/S Caves Road, 2,450' W of the c/l Park Heights Avenue

(2703 Caves Road)

3rd Election District - 3rd Councilmanic District

Arthur Allinson, et ux - Petitioners

Case No. 97-281-A

Dear Mr. & Mrs. Allinson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc. 3723 Old Court Road, Baltimore, Md. 21208

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

2703 Caves Road

97-281-A

which is presently zoned

RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 400.2 & 400.3 to allow a detached (existing) accessory structure on proposed Lot 3 in front yard instead of rear yard, 0' from property line and 30' in height in lieu of the required 15' and a footprint larger than the principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Contract Purchaser/Lessee:		I/We do solemnly legal owner(s) of th Legal Owner(s):	declare and affirm, under the penalties one property which is the subject of this Pe	f perjury, that I/we are the hition
	(Type or Print Name)		(Type or Print Name	Allinson	
	Signature		Citture	Collinary	
	Address		(Type or Print Name	e)	
	Gry Attorney for Petitloner	State Zı	ode Signature	allenson	
	•		2707 Ca	ves Road	Phone No
	Bignature		City	Mills, MD 21117	toppeto
) in the second of the second		Richard	Phone number o representative to be de E. Matz, P.E.	contacted
2	Address	Phone No.	Name	Matz Rosenfelt	<u></u>
	City	State Z ₁ F	^{de} Address Baltimo	d Court Rd. 65.	7-3030 Phone No
		1. April 12	ESTIMATED LENG		
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Colbert Matz Rosenfelt, Inc.

Civil Engineers · Surveyors · Planners



97-281-A

ZONING DESCRIPTION FOR PROPOSED LOT 3, LACHMAN PROPERTY

Beginning at a point on the south side of Caves Road, which is 70 feet wide at the distance of 2,450 feet west of the centerline of Park Heights Avenue, which is 66 feet wide,

South 66° 15' 34" East 370.15 ft.; North 23° 44' 26" East 300.00 ft.; South 50° 16' 18" East 402.53 ft.; South 02° 32' 06" East 219.24 ft.; South 83° 27' 06" West 318.05 ft.; North 66° 15' 34" West 160.00 ft.; North 23° 44' 26" East 59 ft.; North 66° 15' 34" West 378 ft. and North 29° 49' 28" East 20 ft. to the Point of Beginning.

Being Lot 6 and a portion of Lot 5 in the subdivision of Resubdivision Plat of Lot 1 of Property of Jack and Francis Lachman as recorded in Baltimore County Plat Book No. 62, Folio No. 042, to be known as Lot 3 of the First Amended Resubdivision Plat of Lot 1 of Property of Jack and Francis Lachman, containing 2.8 acres, more or less. Also known as 2703 Caves Road and located in the 3rd Election District, 3rd Councilmanic District.

1121.

281

Colbert Matz Rosenfelt, Inc.

Civil Engineers · Surveyors · Planners



ZONING DESCRIPTION

BEGINNING AT A POINT ON THE EAST SIDE OF CAVES ROAD, WHICH IS 70 FEET WIDE, AT THE DISTANCE OF 2450 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, PARK HEIGHTS AVENUE, THENCE THE FOLLOWING COURSES AND DISTANCES:

- 1. SOUTH 66 DEGREES 15 MINUTES 34 SECONDS EAST 370.15 FEET;
- 2. NORTH 23 DEGREES 44 MINUTES 26 SECONDS EAST 300.00 FEET;
- 3. SOUTH 50 DEGREES 16 MINUTES 18 SECONDS EAST 402.53 FEET;
- 4. SOUTH 02 DEGREES 32 MINUTES 06 SECONDS EAST 132.84 FEET;
- 5. SOUTH 83 DEGREES 27 MINUTES 06 SECONDS WEST 321.23 FEET;
- 6. NORTH 71 DEGREES 33 MINUTES 31 SECONDS WEST 153.88 FEET;
- 7. NORTH 09 DEGREES 46 MINUTES 21 SECONDS WEST 103.41 FEET;
- 8. NORTH 66 DEGREES 15 MINUTES 34 SECONDS WEST 330.35 FEET;
- 9. NORTH 29 DEGREES 49 MINUTES 28 SECONDS EAST 20.11 FEET TO THE PLACE OF BEGINNING.

CONTAINING 3.000 ACRES, MORE OR LESS. ALSO KNOWN AS 2703 CAVES ROAD, AND LOCATED IN THE THIRD ELECTION DISTRICT.

I:\JOBS\96073.DES 2/25/97



NOTICE OF HEARING

The Zoning Commissioner of Ballimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property Identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Qld Counthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-281-A (ftern-281) 2703 Caves Road 8/5 Caves Road, 2450' W of c/i Park Heights Avenue 3rd Election District 3rd Councilmanic Legal Owner(s): Arthur Allinson and Mary Al-

linson

Variance: to allow a detached (existing) accessory structure on proposed lot 3 in front yard instead of rear yard, zero feet from property line and 30 feet in height in lieu of the required 15 feet and a footprint larger than the princi-

pal structure.
Hearing: Friday, February,
14, 1997 at 11:00 a.m. in
Rm. 106, County Office
Building.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391,

1/292 Jan. 23

C114223

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

a. Henrika us LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND

FFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

ACCOUNT

AMOUNT

RECEIVED

FOR:

VALIDATION OR SIGNATURE OF CASHJER

WHITE-CASHJER PINK-AGENCY YELLOW-CUSTOMER

	RE: Case No.: 97-281-A
	Petitioner/Developer: ACLINS-010, 121AC
	YOR, MATE
	Petitioner/Developer: ALLINSON, ETAL Yo R. MATE Date of Hearing/Closing: 2/14/91
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of were posted conspicuously on the property l	perjury that the necessary sign(s) required by law ocated at #2703 to 07 CAVES PD.
The sign(s) were posted on	1/30/97 (/Month/Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
A STATE AND STATE OF THE STATE	Patrick M. O'Keefe
The State of Marian State of the State of th	(Printed Name)
The continues of the co	· 523 Penny Lane (Address)
in the gradients of the same o	Hunt Valley, MD 21030
	(City, State, Zip Code)
	(Telephone Number)



#2703 CAVES ROAD ALLINSON, ETAL YO R. MATE



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-281-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR				
For newspaper advertising:				
Item No.: 28/.				
Petitioner: ARTS MARY ALUNSON				
Location: 2707 CAVES ROAD 21117				
PLEASE FORWARD ADVERTISING BILL TO:				
NAME: ARTE MARY ALLINSON				
ADDRESS: 2707 CAVES RUAP				
OWINGS MILLS, MD 2-1117.				
PHONE NUMBER: 653-3838				
·28(
AJ:ggs				

Printed with Soybean tak

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY
January 23, 1997 Issue - Jeffersonian

Please foward billing to:

Art and Mary Allinson 2707 Caves Road Owings Mills, Maryland 21117 653-3838

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-281-A (Item 281)

2703 Caves Road

S/S Caves Road, 2450' W of c/l Park Heights Avenue

3rd Election District - 3rd Councilmanic

Legal Owner(s): Arthur Allinson and Mary Allinson

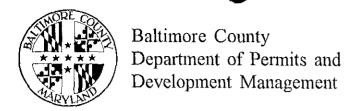
Variance to allow a detached (existing) accessory structure on proposed lot 3 in front yard instead of rear yard, zero feet from property line and 30 feet in height in lieu of the required 15 feet and a footprint larger than the principal structure.

HEARING: FRIDAY, FEBRUARY 14, 1997 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

January 17, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-281-A (Item 281)

2703 Caves Road

S/S Caves Road, 2450' W of c/l Park Heights Avenue

3rd Election District - 3rd Councilmanic

Legal Owner(s): Arthur Allinson and Mary Allinson

Variance to allow a detached (existing) accessory structure on proposed lot 3 in front yard instead of rear yard, zero feet from property line and 30 feet in height in lieu of the required 15 feet and a footprint larger than the principal structure.

HEARING: FRIDAY, FEBRUARY 14, 1997 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon

Director

cc: Art and Mary Allinson

Colbert Matz Rosenfelt, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 30, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper



David L. Winstead Secretary Parker F Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County / 17 . 57

Item No.

28/ (JRA)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

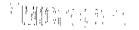
Ronald Burns, Chief

P. J. Hredler

Engineering Access Permits

Division

LG



My telephone number is ______

BALTIMORE MARYLAND COUNTY,

INTER-OFFICE CORRESPONDENCE

DATE:

January 17, 1997

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

277, 278, 279, 281 and 283 Item Nos.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Affry W. Lung

Division Chief: Canyl, Kluns

PK/JL

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

DATE:

Jan. 23, 97

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

Jan 21, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

276

278

279

280

281

283

285

RBS:sp

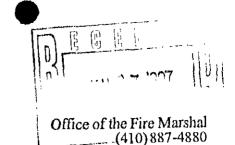
BRUCE2/DEPRM/TXTSBP

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500

_, , , , , , , , , , , ,



DATE: 01/23/97

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JAN. 21, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

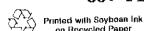
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 276,277,278,281,282,283,284 AND 286.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F





PETITION PROBLEMS

97-281-A

#276 --- JCM

1. Need title of person signing for contract purchaser.

#280 --- MJK

 There is no attorney listed on the petition form. As the legal owner is incorporated, they need to be represented by an attorney.

#281 --- JRA

1. Need telephone number for legal owner.

#282 --- JLL

- 1. No zoning on folder.
- 2. No election district on folder.
- 3. No councilmanic district on folder.
- 4. No acreage on folder.

#283 --- JRA

- 1. No acreage on folder.
- 2. No election district on folder.
- 3. No councilmanic district on folder.

#285 --- CAM

1. Need name and title of person signing for contract purchaser.

#286 --- JCM

1. Folder not marked "Floodplain".

RE: PETITION FOR VARIANCE	*	BEFORE THE
2703 Caves Road, S/S Caves Road, 2450' W		
of c/l Park Heights Avenue	*	ZONING COMMISSIONER
3rd Election District, 3rd Councilmanic		
	k	OF BALTIMORE COUNTY
Arthur and Mary Allinson		
Petitioners	*	CASE NO. 97-281-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-Notice should be sent of any hearing dates or other captioned matter. proceedings in this matter and of the passage of any preliminary or final Order.

> Rober May Einmerman People's Counsel for Baltimore County

Yarale S. Dr. millio CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 3723 Old Court Road, Baltimore, MD 21208, representative for Petitioner.

Peter Mar Zimmerman.

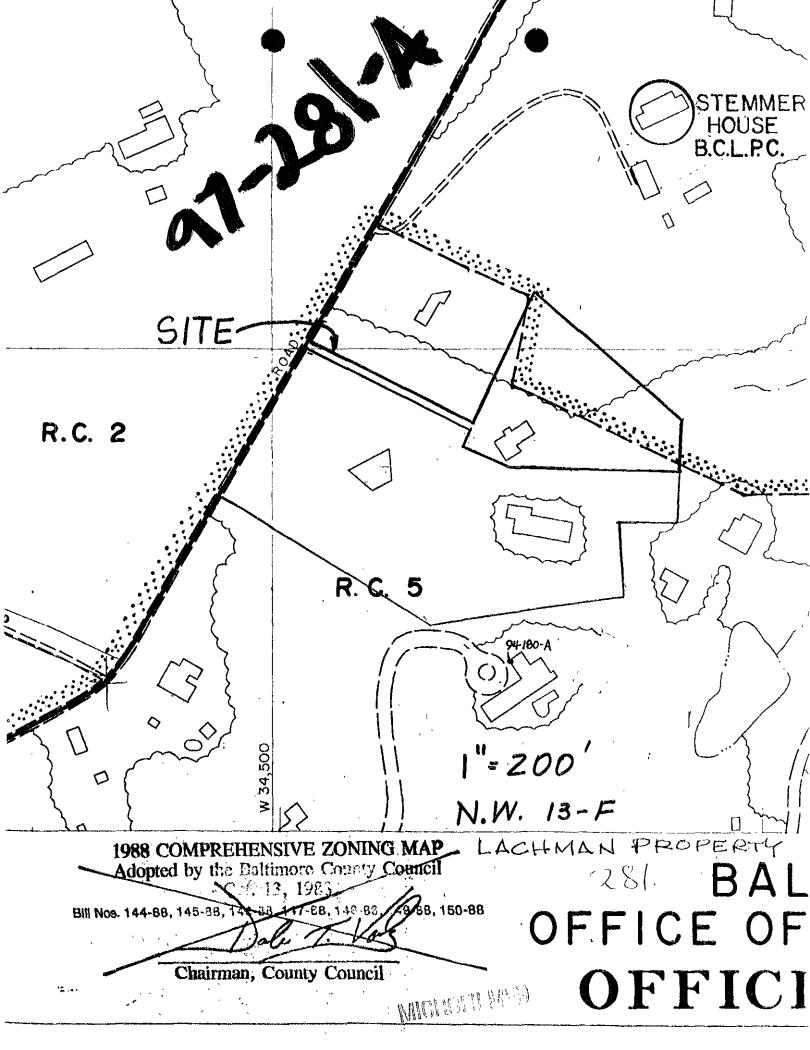
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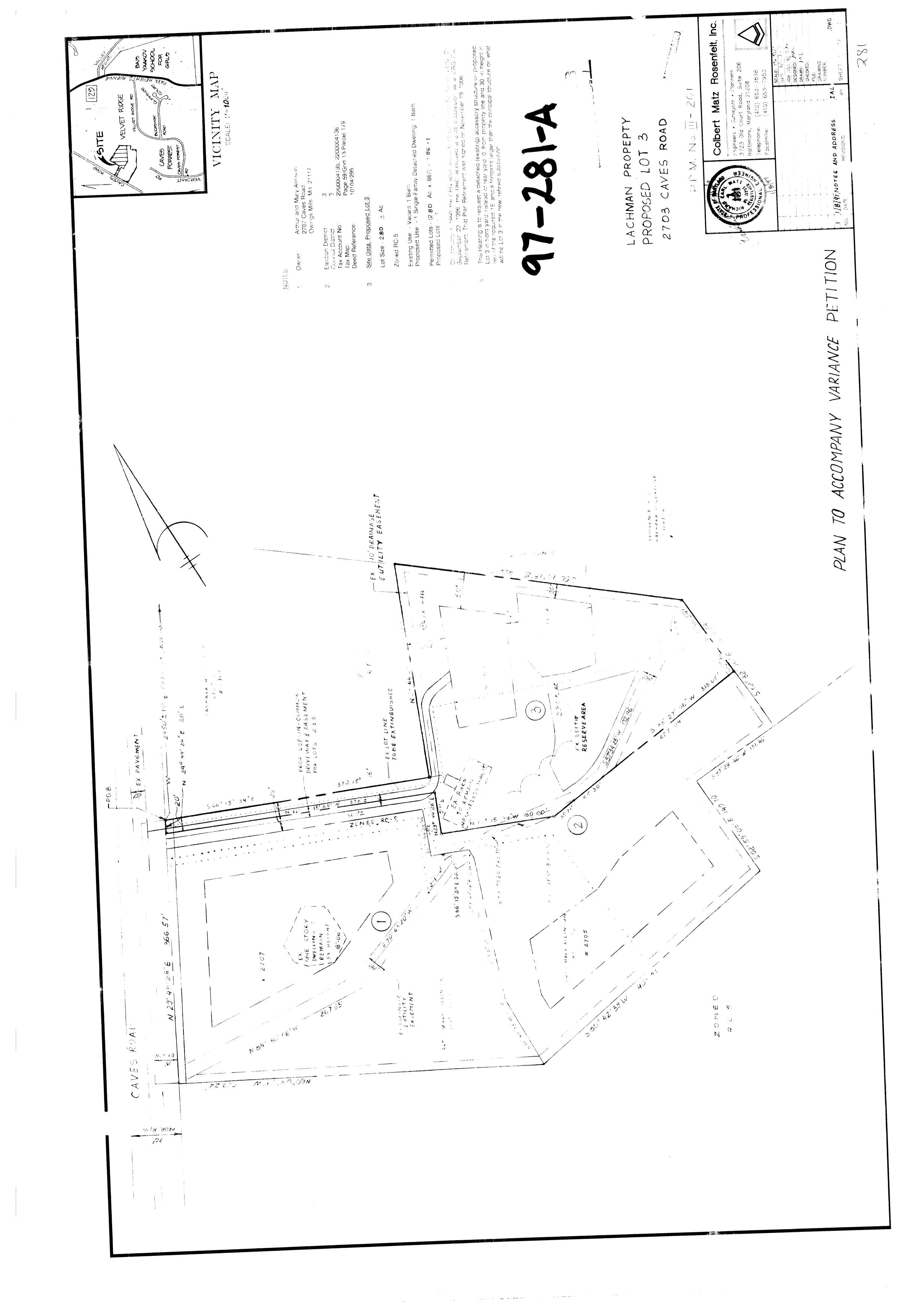
COLBERT MATZ ROSENFF T, INC.

3723 Old Court Road Suit 206 BALTIMORE, MARYLAND 21208

	(410) 653-3 FAX (410) 653		DATES 26,1997. JOBNO 96073		
TO (DEFILE OF Z	ONING COMMISSIONER	TIMOTHY M. KOTROCO RE LACHMAN PROPERTY		
		1000-1000			
			LOT 3. (PROPUSED)		
			CASE 97-281-A		
	1600	DEUVER			
WE ARE S	SENDING YOU Attac		the following items:		
•	☐ Shop drawings	☐ Prints ☐ Plans			
	☐ Copy of letter		, opadinodions		
		C) Ghange order			
COPIES	DATE NO.		DESCRIPTION		
2	2/24/97	PLAN AS AMENDED	TO ACCOMPANY PETITION		
2	2/25/97.	AMENDED DESCO	RIPTION'		
		The Dock	11100		
-					
	-				
THESE AF	RE TRANSMITTED as checke	d below:			
	☐ For approval	Approved as submitted	omitted Resubmitcopies for approval		
	For your use	☐ Approved as noted	Cl Submitcopies for distribution		
	As requested	□ Returned for correction	ns Return corrected prints		
	For review and comme	ent 🗆			
	[] FOR BIDS DUE	19			
REMARKS					
	" KEASE "	ALE HESE IN	FILE AS EXHIBITS		
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	IS THE RE	PLACEMENT PER	OUR DISCUSSION AT HEARING		
CODY TO	MARY AUINS	on (.	<u> </u>		
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OF TRANS





This document was created with the trial version of Pr Once PrintSPDF is registered, this message will dis

